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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,516	10/11/2000	Nicholas D. Arnett	OPI-101	5209
30074	7590	06/29/2005	EXAMINER	
TAFT, STETTINIUS & HOLLISTER LLP SUITE 1800 425 WALNUT STREET CINCINNATI, OH 45202-3957			MEINECKE DIAZ, SUSANNA M	
		ART UNIT	PAPER NUMBER	
		3623		

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/686,516	ARNETT ET AL.
Examiner	Art Unit	
Susanna M. Diaz	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 May 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2,4,5,13,14,40,41,49 and 50 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2,4,5,13,14,40,41,49 and 50 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/9/05.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed May 23, 2005.

Claims 1, 3, 6-12, 15-39, 42-48, and 51-74 have been cancelled.

Claims 2, 4, 5, 13, 40, 41, and 49 have been amended.

Claims 2, 4, 5, 13, 14, 40, 41, 49, and 50 are presented for examination.

2. The previously pending rejections under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph are withdrawn in response to Applicant's claim amendment. *Examiner notes that "a computer-implemented message collector," "a computer-implemented message categorizer," and "a computer-implemented data analyzer" are interpreted as software (i.e., the message collector, message categorizer, and data analyzer) executed by a computer, thereby rendering the software as sufficiently integrated with the structure of the system.*

The previously pending rejections under 35 U.S.C. § 101 are withdrawn in response to Applicant's claim amendment. *Examiner notes that, as per claims 4 and 13, "a computer-implemented message collector," "a computer-implemented message categorizer," and "a computer-implemented data analyzer" are interpreted as software (i.e., the message collector, message categorizer, and data analyzer) executed by a computer, thereby rendering the software as sufficiently integrated with the structure of the system and overcoming the interpretation as software per se. As per claims 2 and 49, the fact that the method comprises the "computer-implemented steps of" and lists all*

*steps of the method subsequently implies that all of the steps in the body of the respective claims (as well as their dependent claims) are expressly executed by a computer, thereby establishing sufficient integration of technology in the claims.*

### **Response to Arguments**

3. Applicant's arguments filed May 23, 2005 have been fully considered but they are not persuasive.

Applicant argues;

... The Office action contends that the step of assigning an opinion rating to each message is taught by eWatch which, according to the Office action, identifies both positive and negative opinions toward an entity (Office action, p. 6). The cited portions of the eWatch reference, however, do not support this assertion, and a review of the archived eWatch materials does not reveal any mention of identifying positive opinions. The eWatch reference explains that eWatch can search messages for certain keywords provided by a user, such as "angry" and "boycott" (eWatch reference, p. 23), but eWatch does not analyze and rate different opinions expressed in the messages. Furthermore, eWatch does not teach the use of "pre-determined linguistic patterns and associative rules" to identify opinions expressed in messages; eWatch simply finds messages that contain certain keywords (such as "angry" and "boycott") specified by the user. Accordingly, step (d) of claim 2, which requires "assigning an opinion rating to the plurality of message information based on a plurality of pre-determined linguistic patterns and associative rules," is not taught by eWatch. (Page 8 of Applicant's response)

The Examiner respectfully disagrees. eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a

client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinion ratings toward the client based on a variety of linguistic patterns, i.e., the "client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms" (page 23). Page 28 of eWatch states that good comments may be tracked as well as the negative ones, thereby addressing both positive and negative opinions. Furthermore, by simply finding messages that contain certain keywords (a feature performed by eWatch, as admitted by Applicant), eWatch must necessarily utilize pre-determined linguistic patterns and associative rules. By scanning electronic sources of information for words such as "boycott" or "angry" in combination with the company of interest, eWatch must be programmed to find "boycott" or "angry" within a certain proximity (including within the same document) in order to know which messages/information sources to flag as containing potentially relevant information. This in and of itself exemplifies the use of pre-determined linguistic patterns and associative rules.

Applicant argues:

...The Office action contends that storing configuration information for different discussion forums, including multiple message formats and communications protocols, is taught by eWatch (Office action, p. 8). In support of this contention, the Office action cites eWatch's ability to download and search messages from a variety of online services, including CompuServe, America Online, Prodigy, and Microsoft Network. This, according to the Office action, implies that eWatch can handle different message formats and communications protocols. eWatch's ability to download and search messages from a variety of online services, however, is insufficient to support the inference that eWatch can handle different communications protocols. The reference simply does not support this feature, especially the feature of

using configuration information stored about the discussion forums to enable the use of different communications protocols, as required by claim 4. This data-driven message collection system of claims 4 and 5, which employs stored configuration information to enable messages corresponding to a plurality of message formats or communications protocols to be collected and analyzed is not taught by eWatch. (Pages 9-10 of Applicant's response)

Claim 4 recites "enabling the message collector to collect messages corresponding to a plurality of message formats or communications protocols." As stated in the art rejection, messages may be downloaded to eWatch's server from various Internet Usenet groups, ListServs, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network. The Examiner submits that, on some level, the various Internet Usenet groups, ListServs, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network process their messages differently, use a different programming language to process and post information, and/or have unique rules associated with processing communications. (Applicant has not asserted the contrary.) The fact that eWatch can download and analyze information from any of these sources is indicative of the fact that eWatch's message collector is enabled "to collect messages corresponding to a plurality of message formats or communications protocols." There are no details in the claims regarding how different formats or protocols are handled; therefore, eWatch's disclosure is commensurate in scope with claimed invention. eWatch can analyze these messages that come from sources of varying information formats and communications protocols; therefore, eWatch can be interpreted as able to "collect

messages corresponding to a plurality of message formats or communications protocols." Additionally, in order to download information via the Internet, the information that is downloaded is associated with identifying information that instructs the network, including sending and receiving client computers, how to transmit the data (e.g., the type of protocols, including packet-switching, streaming video, audio, etc.) and what format the information is in (e.g., PDF, HTML, etc.). This protocol and format information must be associated with the downloaded data; therefore, such information is stored somewhere (i.e., in a database) in a manner that it is linked to the data when download of the data is requested.

In conclusion, Applicant's arguments are non-persuasive. The art rejection has been revised to address Applicant's claim amendments.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by eWatch Inc.'s eWatch service (eWatch), as disclosed in eWatch's archived web site retrieved from [URL: <http://web.archive.org/web/19980522190526/www.ewatch.com>].

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

eWatch discloses a method for collecting and analyzing electronic discussion messages, wherein the method comprises the computer-implemented steps of:

[Claim 2] (a) collecting a plurality of message information from a plurality of pre-determined electronic discussion forums (Pages 37, 40);

(b) storing the plurality of message information in a central data store (Pages 39, 40);

(c) categorizing the message information according to a plurality of pre-determined rules (Pages 9, 23, 38);

(d) assigning an opinion rating to the plurality of message information based on a plurality of pre-determined linguistic patterns and associative rules (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinion ratings toward the client based on a variety of linguistic patterns, i.e., the "client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Page 28 of eWatch states that good comments may be tracked as well as the negative ones);

(e) collecting a plurality of objective data from a plurality of objective data sources (Page 38 -- The identification of each message meeting the search criteria includes objective data such as date, time, and title of thread. The objective data sources would be the actual sites on which the messages were posted as opposed to the author of the message);

(f) analyzing the message information and the objective data to identify trends in the pattern of behavior in pre-determined markets and the roles of participants in electronic discussion forums (Pages 23, 42-43); and

(g) generating reports for end-users based on the results of the analyses performed by the present invention (Pages 5-6, 9, 37).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 13, 14, 40, 49, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site retrieved from [URL]:

<http://web.archive.org/web/19980522190526/www.ewatch.com> in view of eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL]:  
<http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html>, dated June 29, 2000.

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

eWatch discloses a system for processing message traffic in a plurality of electronic discussion forums, comprising:

[Claim 4] a computer-implemented message collector for collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

a computer-implemented message categorizer for processing the messages based on a series of topics (Pages 9, 23, 38); and

a storage device containing a database storing configuration information for the plurality of electronic discussion forums (Pages 2, 37, 40 -- Messages may be downloaded to eWatch's server from various Internet Usenet groups, ListServs, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network, thereby implying that eWatch's server can handle a plurality of message formats or communications protocols; In order to download information via the Internet, the information that is downloaded is associated with identifying information that instructs the network, including sending and receiving client computers, how to transmit the data (e.g., the type of protocols, including packet-switching, streaming video, audio, etc.) and what format the information is in (e.g., PDF, HTML, etc.). This protocol and format information must be associated with the downloaded data; therefore, such information is stored somewhere (i.e., in a database) in a manner that it is linked to the data when download of the data is requested); wherein

the message collector communicates with the database, thereby enabling the message collector to collect messages corresponding to a plurality of message formats or communications protocols (Pages 2, 37, 40 -- Messages may be downloaded to

eWatch's server from various Internet Usenet groups, ListServs, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network, thereby implying that eWatch's server can handle a plurality of message formats or communications protocols).

As per claim 4, the eWatch service does not expressly teach a data analyzer for tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts "to identify the entity or entities behind the screen name(s) which have targeted your organization," which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (& 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating a data analyzer for tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages,

in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

eWatch discloses a system for processing message traffic in a plurality of electronic discussion forums, comprising:

[Claim 13] a computer-implemented message collector for collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

a computer-implemented message processor for processing the messages according to a series of topics, wherein the message processor processes a message to compute a relevance of the message to at least one topic from the series of topics (Pages 9, 23, 38);

a storage device for storing the messages (Pages 39, 40); wherein the message processor processes the messages to compute an opinion for the message based on a plurality of pre-determined linguistic patterns and associative rules according to at least one topic (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinion ratings toward the client based on a variety of linguistic patterns, i.e., the "client's name combined with 'boycott,' 'angry,' or

even cruder denigrating terms.” Page 28 of eWatch states that good comments may be tracked as well as the negative ones);

[Claim 14] wherein the opinion is computed based on a textual analysis of the message (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, “eWatch’s proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client’s name combined with ‘boycott,’ ‘angry,’ or even cruder denigrating terms.” Such a search would clearly identify negative opinions toward the client based on a textual analysis of the message, i.e., the “client’s name combined with ‘boycott,’ ‘angry,’ or even cruder denigrating terms.” Page 28 of eWatch states that good comments may be tracked as well as the negative ones).

As per claim 13, the eWatch service does not expressly teach a data analyzer for tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts “to identify the entity or entities behind the screen name(s) which have targeted your organization,” which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (& 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since

both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating a data analyzer for tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

eWatch discloses a method for processing message traffic in a plurality of electronic discussion forums, comprising the steps of:  
[Claim 40] collecting messages from the plurality of electronic discussion forums (Pages 37, 40);  
processing the messages based on a series of topics (Pages 9, 23, 38);  
storing configuration information for the plurality of electronic discussion forums in a database, and wherein the step of collecting messages comprises collecting messages corresponding to a plurality of message formats or communications protocols (Pages 2, 37, 40 -- Messages may be downloaded to eWatch's server from various Internet Usenet groups, ListServs, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network, thereby implying that

eWatch's server can handle a plurality of message formats or communications protocols; In order to download information via the Internet, the information that is downloaded is associated with identifying information that instructs the network, including sending and receiving client computers, how to transmit the data (e.g., the type of protocols, including packet-switching, streaming video, audio, etc.) and what format the information is in (e.g., PDF, HTML, etc.). This protocol and format information must be associated with the downloaded data; therefore, such information is stored somewhere (i.e., in a database) in a manner that it is linked to the data when download of the data is requested).

As per claim 40, the eWatch service does not expressly teach tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts "to identify the entity or entities behind the screen name(s) which have targeted your organization," which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (& 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such

attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating the step of tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

eWatch discloses a method for processing message traffic in a plurality of electronic discussion forums, comprising the computer-implemented steps of:  
[Claim 49] collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

processing the messages according to a series of topics and computing a relevance of the messages to at least one topic from the series of topics (Pages 9, 23, 38); wherein

the processing step further comprises the computer-implemented step of computing an opinion for the message based on a plurality of predetermined linguistic patterns and associative rules according to the at least one topic (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,'

or even cruder denigrating terms.” Such a search would clearly identify negative opinion ratings toward the client based on a variety of linguistic patterns, i.e., the “client’s name combined with ‘boycott,’ ‘angry,’ or even cruder denigrating terms.” Page 28 of eWatch states that good comments may be tracked as well as the negative ones); [Claim 50] wherein the step of computing an opinion comprises the step of performing a textual analysis of the message (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, “eWatch’s proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client’s name combined with ‘boycott,’ ‘angry,’ or even cruder denigrating terms.” Such a search would clearly identify negative opinions toward the client based on a textual analysis of the message, i.e., the “client’s name combined with ‘boycott,’ ‘angry,’ or even cruder denigrating terms.” Page 28 of eWatch states that good comments may be tracked as well as the negative ones).

As per claim 49, the eWatch service does not expressly teach tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts “to identify the entity or entities behind the screen name(s) which have targeted your organization,” which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (& 6). CyberSleuth

helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating the step of tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

8. Claims 5 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site retrieved from [URL: <http://web.archive.org/web/19980522190526/www.ewatch.com>] *in view of* eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL: <http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html>], dated June 29, 2000, as applied to claims 4 and 40 above respectively, and *further in view of* Cohen (U.S. Patent No. 6,067,539).

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

[Claims 5, 41] Neither the eWatch service nor the CyberSleuth service expressly teaches the use of a relevance score *per se* as part of the determination of relevance of a message; however, Cohen makes up for this deficiency in his teaching of a system and method for identifying the most relevant sources for a particular topic. Similar to eWatch, Cohen's invention downloads messages (e.g., from web sites or news groups) and performs linguistics analysis to correlate certain keywords and synonyms thereof to a topic of interest; a score representative of the level of correlation is then generated (col. 2, lines 8-28, 45-47; col. 3, lines 1-45; col. 4, lines 5-14, 47-50; col. 6, line 67 through col. 7, line 12). Based on frequency statistics, a neural network, pattern recognition, an image processing, thesaurus, or another linguistics-based algorithm, a matching score is generated and evaluated to identify those messages deemed to be most relevant to the topic of interest (col. 8, lines 1-48; col. 9, lines 15-31). Cohen's invention is established as addressing a need for ranking information on a topic of interest, "thereby increasing the efficiency of information search and retrieval" (col. 1, lines 59-67). Since eWatch and Cohen are both directed toward identifying the most relevant messages (filtered from an incredibly large body of information) to a topic of interest, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt eWatch's computer-implemented message categorizer to compute at least one relevance score for a message, the relevance score providing a measure of the relevance of the message to at least one topic from the series of topics (as taught by Cohen), in order to increase the efficiency of

eWatch's information search and retrieval system (as suggested in col. 1, lines 59-67 of Cohen).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Susanna Diaz*  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

June 25, 2005